



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

www.deq.virginia.gov



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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO GP BIG ISLAND, LLC REGISTRATION NO. 30389

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and GP Big Island, LLC, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the July 1, 2003 Title V permit.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" means the GP Big Island, LLC facility located at 9363 Lee Jackson Highway, Big Island, in Bedford County, Virginia.

6. "GP" means GP Big Island, LLC a limited liability company authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. GP is a "person" within the meaning of Va. Code § 10.1-1300.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
9. "Permit" means a Title V Permit to operate and construct a pulp and paperboard mill, which was issued under the Virginia Air Pollution Control Law and the Regulations to GP Big Island, LLC on July 1, 2003.
10. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 Chapters 10 through 80.
11. "Va. Code" means the Code of Virginia (1950), as amended.
12. "VAC" means the Virginia Administrative Code.
13. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. The Facility is a pulp and paperboard mill owned and operated by GP Big Island, LLC. The Facility manufactures cardboard box paperboard products.
2. The Facility is the subject of the Permit which allows operation of a stationary source of Air Pollution. GP submitted a Title V renewal application in a timely manner on December 19, 2007 and it is currently under review by the Agency. The timely submittal of the Title V renewal application allows the facility to operate and be subject to the Permit, while operating under the permit shield provisions.
3. On February 18, 2009, the Department was notified verbally during a site inspection that GP had failed to meet the five year period for conducting a particulate emissions test for Boilers 4 and 5.
4. Condition III.A.4.(a) of the July 1, 2003 Title V permit states: "At a frequency not to exceed once every five years, the permittee shall conduct a stack test at stack E26 to demonstrate compliance with the pound per million BTU emission limit for particulate matter contained in Condition III.A.1.c of this permit. The test at stack E26 shall be performed concurrently with the test of stack E27 required in Condition III.B.4.a. The initial test shall be performed

within 180 days after the effective date of this permit. The test shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests shall be arranged with the West Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the West Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.”

5. Condition III.B.4.(a) of the July 1, 2003 Title V permit states: “At a frequency not to exceed once every five years, the permittee shall conduct a stack test at stack E27 to demonstrate compliance with the pound per million BTU emission limit for particulate matter contained in Condition III.B.1.1 of this permit. The test at stack E27 shall be performed concurrently with the test of stack E26 required in Condition III.A.4.a. The initial test shall be performed within 180 days after the effective date of this permit. The test shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests shall be arranged with the West Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the West Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.”
6. On February 20, 2009, GP submitted a Title V Permit Deviation Report which addressed the violations listed above.
7. A Notice of Violation (“NOV”) was issued on March 23, 2009 for the violations listed in paragraphs 4 and 5.
8. On April 3, 2009, Department staff met with representatives of GP to discuss the alleged violations.
9. Based on the information provided to the Department in the February 20, 2009 Title V Permit Deviation Report and the meeting on April 3, 2009, the Board concludes that GP has violated Conditions III.A.4.(a), and III.B.4.(a) of the July 1, 2003 Title V permit as noted above.
10. GP has conducted the required emission testing on March 30, 2009 and this emission testing verifies that the violations described in Paragraphs 4 and 5, above, have been corrected and the source is in compliance with their applicable emission limits.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders GP, and GP agrees to pay a civil charge of \$5,148.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Consent Order

GP Big Island, LLC

Registration Number ~~20556~~ 30389

Page 4 of 7

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

GP shall include its Federal Employer Identification Number (FEEN) 20-5483970 with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of GP for good cause shown by GP, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, GP admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. GP consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. GP declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by GP to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. GP shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. GP shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. GP shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which GP intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and GP. Nevertheless, GP agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. GP petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - b. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to GP.

Consent Order

GP Big Island, LLC

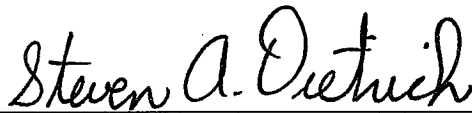
Registration Number ~~20656~~ 30389

Page 6 of 7

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve GP from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by GP and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of GP certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind GP to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of GP.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, GP voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 26th day of JUNE, 2009.



Steven A. Dietrich, Regional Director
Department of Environmental Quality


Consent Order

GP Big Island, LLC

Registration Number ~~20056~~ 30389

Page 7 of 7

GP Big Island, LLC voluntarily agrees to the issuance of this Order.

Date: 6/19/09 By: , Vice President, mfg
Brent A. Collins
GP Big Island, LLC Vice President, Manufacturing

Commonwealth of Virginia

City/County of Bedford

The foregoing document was signed and acknowledged before me this 19th day of June, 2009, by Brent A. Collins who is Vice President, Manufacturing of GP Big Island, LLC, on behalf of the corporation.

Katherine R Bryant

Notary Public

205679

Registration No.

My commission expires: Oct. 31, 2011

Notary seal: